

Equality Impact Assessment for the Police Service of Scotland (Amendment) Regulations 2024

Title of policy:

The Police Service of Scotland (Amendment) Regulations 2024

Summary of aims and desired outcomes of Policy:

The aim is to amend the Police Service of Scotland Regulations 2013, following agreements made through the Police Negotiating Board (PNB)

Directorate: Safer Communities

Division: Police Division

Team: Police Workforce Team

Executive summary

This EQIA relates to changes made to Scottish police constables' terms and conditions, following agreements made through the PNB and set out in the Police Service of Scotland (Amendment) Regulations 2024.

It was judged that there was not a need for an extensive EQIA, but it is assessed to be helpful to produce an EQIA to demonstrate how the agreements reached by PNB impact on the protected characteristics of constables.

The policy aims were to update constables' terms and conditions so that they are aligned with the agreements made by PNB.

The key findings are, that the amendments have a small positive impact with no negative impact.

Background

The amendments to the Police Service of Scotland Regulations 2013 will impact police constables, as they implement updates to their terms and conditions, as agreed by the PNB.

PNB agreements are made through negotiation and therefore are the consequence of discussion and policy development by the two 'sides' of the PNB.

The PNB agreed to changes to constables' terms and conditions and it is generally for the service, with the assistance of the police staff associations, to ensure that they are implemented to take account of equality and diversity. On the basis of the above, the need for an EQIA was considered to be limited, but that an EQIA would assist in understanding the impact made by the agreements.

The policy intentions were:

- 1) The PNB undertook a part-time audit and agreed that amendments to the 2013 Regulations would ensure that part-time constables are treated in the same manner as full-time constables, when it comes to the application of their duties and overtime. Regulation 3 of the 2013 Regulations is amended to remove the requirement to consult with local representatives of the representative bodies¹, as this is not required, as part-time constables agree their part-time service with the chief constable.
- 2) Regulation 3 will also be amended to remove 'job share' as a separate form of part-time service. The PNB agreed that job sharing was part-time service, and no distinction is required in Regulations.
- 3) The omission of regulation 3(7) will mean that regulation 17 (overtime) will no longer be modified in its application to part-time constables, meaning that the overtime regulation will apply to part-time constables in the same way as it applies to full-time constables.
- 4) Regulation 11 will be amended to ensure that a constable's Personal Record includes all part-time service by a constable. The Police Service of Scotland will already note a constable's part-time service, but this amendment sets out the requirement for the Police Service to formally keep such service in a constable's personal record.
- 5) Regulation 17 is amended, following agreement by the PNB, to provide that (where there is an exigency of duty) a constable's start-time can be advanced or deferred, without compensation, if they are given due notice, but that the "due

¹ The representative bodies are, the Scottish Police Federation, the Association of Scottish Police Superintendents and the Scottish Chief Police Officers Staff Association

notice” period would be increased from 8 hours to 24 hours, and from 8 to 12 hours when there is a requirement to work due to unforeseen court attendance.

- 6) These changes provide constables with a greater notice period when their time is disrupted, but this is balanced by the ability to advance or defer a constable’s start time where there is an exigency of duty. Any advancement or deferment of a constable’s start-time where due notice has not been given will be categorised as “overtime” and the constable will be entitled to be compensated in accordance with the relevant determination made by the Scottish Ministers.
- 7) The PNB agreed that constables should be able to nominate days to replace their two days of public holiday, for religious or cultural reasons. This will allow constables to take a public holiday that better suits their religious or cultural preferences, rather than Christmas Day or New Year’s Day, as currently set out in regulations.
- 8) This amendment, to regulation 18, will allow a more diverse use of the two public holidays available to constables.
- 9) Regulation 25 will be amended to require the Scottish Ministers to determine the circumstances in which a constable can get leave to accompany another person to an antenatal appointment. This measure will allow fathers and partners to be more involved with their children from the earliest possible stages, providing support to the expectant mother.
- 10) Regulation 31 is amended to allow for all duties in a higher rank to be treated as service in that higher rank. This will provide constables, who are in receipt of a temporary salary at a higher rank, to have all that service acknowledged and this will mean that should a constable be promoted to that rank, their previous service would count towards service and salary.
- 11) Regulation 34 is amended to take account of the introduction of the Police Negotiating Board for Scotland, and that the Police Negotiating Board has now been abolished. This is to ensure that the Scottish Ministers consult the new body before making determinations under the 2013 Regulations.

The PNB agreements, which form the basis of most of the amendments have already been implemented by the Police Service of Scotland, who can implement a PNB agreement while awaiting the updates to Regulations. The outcomes have therefore been achieved, but the members of the PNBS can return matters to that body if they feel that the outcomes desired by the agreements are not being achieved.

The Scope of the EQIA

This EQIA used Police Scotland’s publicly available management information to provide evidence for each protected characteristic and then consideration was taken on whether the policy aims had a positive, negative or neutral effect on each protected characteristic.

The EQIA was consulted on through the PNB and the individual bodies that represent police constables and policing stakeholders in Scotland. No comments were received on the EQIA.

Key Findings

The Key Findings are that there were no negative impacts on the protected characteristics and there were minor positive impacts in 3 areas:

Women - Removing some of the differences between part-time constables and full-time constables may improve the opportunity for constables to work part-time. As the majority of part-time workers are women it has the opportunity to impact women beneficially.

Pregnancy and maternity - The ability for constables to support pregnant women will impact positively on pregnant women.

Religion or belief - The ability to take 2 different public holidays, for religious or cultural reasons should promote good relations within policing.

As the Police Service of Scotland is responsible for implementing the changes to constables' terms and conditions any future negative or positive impact is for them to measure.

Should there be an equality issue following implementation of any of the amendments it is open to the service or the police staff associations to seek further amendments through the PNBS.

Recommendations and Conclusion

The amendments set out in the Police Service of Scotland (Amendment) Regulations 2024 have not shown any detrimental impacts on constables and no further action is required.